

Sole Source Aquifer Memorandum of Understanding

The United States Environmental Protection Agency, Region 4 The Federal Highway Administration, Florida Division, and The State of Florida, Department of Transportation

The purpose of this memorandum is to develop an understanding among Region 4 of the United States Environmental Protection Agency (EPA), the Florida Division of the Federal Highway Administration (FHWA), and the Florida Department of Transportation (FDOT), concerning the review of proposed Federal-aid highway activities proposed to occur in [areas of Florida which have been designated by EPA as Sole Source Aquifers](#), hereafter referred to as SSAs, pursuant to Section 1424(e) of the Safe Drinking Water Act (PL 93-523). This Memorandum of Understanding identifies the types of projects which will be forwarded to EPA for evaluation and comment, and outlines the procedures to be followed by EPA, FHWA, and FDOT in evaluating and commenting on proposed activities.

Pursuant to Section 1424(e) of the Safe Drinking Water Act (PL 93-523) EPA has determined the Volusia-Florida and Biscayne Aquifers as sole or principal sources of drinking water for public supply systems and individual wells in designated areas of Florida. Designated SSA areas of the Volusia-Floridan Aquifer, as described and shown in Attachments A1 and A2 of this memorandum, are located in portions of Volusia, Flagler, and Putnam counties of northeast and central Florida. Designated SSA areas of the Biscayne Aquifer, as described in Attachment B, include portions of Broward, Dade, Monroe, and Palm Beach counties in southeast Florida, as well as those counties comprising the streamflow and recharge source zone. Once an area is designated, no subsequent commitments of Federal financial assistance may be made to projects which the EPA Administrator determines may contaminate the aquifer so as to create a significant hazard to public health. "Federal financial assistance" means any financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the Federal government in any form including contracts, grants, and loan guarantees. "Significant hazard to public health" means any level of contaminant which causes or may cause the aquifer to exceed any maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard at any point where the water may be used for drinking purposes or which may otherwise adversely affect the health of persons, or which may require a public water system to install additional treatment to prevent such adverse effect.

The intent of this memorandum is to ensure each project proposed by the FDOT of the types listed in [Attachment C](#) which is to occur in SSA designated areas and is to receive Federal financial assistance from FHWA, has been reviewed and commented on by EPA to determine whether the proposed project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, or which may require a public water system to install additional treatment to prevent such adverse effect. Additionally, it is the intent of the FDOT to ensure each proposed project that is to occur in SSA designated areas and is to receive Federal financial assistance from FHWA, be designed in a manner that will prevent the introduction of contaminants into the SSAs in quantities or concentrations which may create a significant hazard to public health, or which may require a public water system to install additional treatment to prevent such adverse effect.

The EPA, FHWA, and the FDOT hereby mutually agree that Federal-aid highway projects of the type listed in Attachment C which are to occur in SSA designated areas will be referred to EPA's

Ground Water/Drinking Water Branch for review and comment prior to funding.


The EPA, FHWA, and the FDOT hereby mutually agree that Federal-aid highway projects of the types listed in [Attachment D](#) are not reasonably expected to adversely affect water quality in the SSAs, and therefore, will not be referred to EPA's Ground Water/Drinking Water Branch for review and comment prior to funding.

The EPA, FHWA, and the FDOT hereby mutually agree that Federal-aid highway project of the types listed in [Attachment E](#) are not reasonably expected to adversely affect water quality in the SSAs provided these projects satisfy the criteria described in 23 CFR 771.117(a) and (b), and the conditions listed in [Attachment F](#).


The FDOT will forward all of the proposed projects of the types listed in Attachment C which are to occur in SSA designated areas directly to the EPA Ground Water/Drinking Water Branch when it is determined what type of National Environmental Policy Act (NEPA) clearance document will be required. The FDOT will provide copies to the FHWA, Florida Division, Tallahassee Office, of all documents submitted to EPA for review and comment. The EPA Ground Water/Drinking Water Branch will review the FDOT submittal for the proposed project and furnish comments or request additional information within 30 days of receipt from the FDOT. As appropriate, comments by EPA will contain sufficient detail regarding concerns which should be addressed during project development. The EPA will provide copies to the FHWA, Florida Division, Tallahassee Office, of all correspondence sent to the FDOT regarding SSA review.

The EPA, FHWA, and the FDOT will each assign a liaison officer to serve as a central point of contact and to be responsible for maintaining communications as to procedures and activities of their respective agencies. The liaison officers are the Chief of EPA's Ground Water and UIC Section, Florida FHWA Division Environmental Coordinator, and the Manager of the FDOT's Environmental Management Office.


This Memorandum of Understanding may be modified by agreement between the EPA, FHWA, and FDOT. All such modifications shall be in writing. Time is of the essence for all actions required to be taken pursuant to the Memorandum of Understanding. This Memorandum of Understanding becomes effective on the date the last party signs this memorandum.


Division Administrator
Federal Highway Administration
Florida Division, Tallahassee, Florida

1/8/99
Date


Chief, Ground Water and UIC Section
U.S. Environmental Protection Agency
Region 4, Atlanta Georgia

1/25/99
Date


Secretary
Florida Department of Transportation
Tallahassee, Florida
12-7-98
Date

[MOU ATTACHMENTS](#)